

News from Ed Markey

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NUCLEAR INDUSTRY NOTES DEMONSTRATE EXTRAORDINARY ACCESS TO REGULATORY DECISIONMAKING BY OPPONENTS OF TOUGH SECURITY UPGRADES

Markey Predicts "Dumbing-Down" of Tough Post-9/11 Anti-terrorism Measures

Washington, DC: Representative Edward J. Markey (D-MA), a senior Member of the House Energy and Commerce Committee, today released a letter to the Nuclear Regulatory Commission (NRC) regarding notes written by a member of the nuclear industry obtained by the Congressman that detailed a meeting between the trade association for the nuclear power industry (the Nuclear Energy Institute) and the NRC. The meeting notes, included with the letter, provide an inside look at the extent of the nuclear industry's influence over the drafting of new security regulations. The meeting notes indicate that the nuclear industry is seeking to coordinate lobbying activities with the NRC aimed at blocking Congressional legislation to strengthen security at the nation's 103 nuclear power plants.

"These notes are a rare inside look at the kind of cozy collaboration between a weak regulatory agency and a strong special-interest lobby that is all too routine in this Administration," said Markey. "In this case, however, we are talking about public safety, and the consequences of toeing the nuclear industry's line could be catastrophic. Press report after press report indicates that Al Qaeda has put nuclear power plants at the very top of its terrorist target lists. Moreover, the Bush Administration has stated that another terrorist attack is inevitable. The Bush NRC listens to these concerns with only one ear – the one tuned into the complaints of the industry – and the result will be the dumbing-down of critical security upgrades."

The meeting notes indicate that:

- The nuclear industry has formed an Executive Task Force to lobby Congress and the Executive Branch on nuclear security. The meeting notes describe the industry's efforts to obtain an audience with the Office of Homeland Security and "redirect the apparent nuclear focus coming from that office," to work toward "avoiding a [nuclear security] bill" and develop "appropriate amendments should one reach the Floor, to return to a "more collaborative process when developing Orders, RIS, etc," and to "have a seat at the table and be involved in discussions on the Design Basis Threat [security regulations] with the Commission." The notes go on to say that the industry "needs to support the NRC's credibility in the eyes of Congress and the public."
- The NRC staff have apparently promised the nuclear industry that security-related proposals prepared for consideration by NRC Commissioners will not become final without another meeting with the industry where "everything will be out on the table."
- The NRC has decided to rely primarily on Orders rather than rulemakings to accomplish its security objectives. Such a policy eliminates any institutional guarantees of public

participation and places a premium on private invitations from the NRC staff to those from whom they wish to receive comment. It is apparent from the notes that the nuclear industry has been kept very well-informed about the NRC's progress in drafting new security orders and regulations to protect against truck-bombs, to upgrade the security clearance requirements for reactor employees, to alter the force-on-force security exercises used to test reactor security, and to change the Design Basis Threat security regulations. No equivalent sharing of information appears to be taking place with non-industry experts on security or public organizations specializing in nuclear security issues.

Rep. Markey's letter requests information on the numbers of and attendees at meetings the NRC has had with the nuclear industry and other interested parties, as well as some specific questions about security measures referred to in the meeting notes.

"I have no problem with the NRC staff having non-public meetings with appropriately cleared security officials from the nuclear industry," said Rep. Markey. "But I do have a problem with a process that appears to allow the nuclear industry to have favored access to key policymakers at the NRC, while completely excluding non-industry experts. Letting the nuclear industry write the new rules for security at nuclear power plants sets up a situation that is filled with conflicts-of-interest, and it will not lead to rules that best protect the public and our country against a future terrorist attack on a nuclear reactor."

Copies of the letter Rep. Markey released today, and the nuclear industry meeting notes upon which the letter was based, can be obtained at Rep. Markey's website: www.house.gov/markey.

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